



Municipality of Princeton

Department of Planning
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TO: Princeton Planning Board

FROM: Justin Lesko, AICP Candidate

DATE: May 17, 2022

SUBJECT: **Ordinance #2022-14**

The Municipal Council has referred the above ordinance to the Planning Board for review and consideration for compliance with the Princeton Community Master Plan. Introduced on May 9, 2022 and scheduled for public hearings on May 23, 2022, Ordinance #2022-14 proposes amendments to the existing definitions of “Attic” and “Floor Area” in the municipal code and size and bulk requirements of accessory dwelling units in the municipal code.

The proposed Ordinance #2020-37 changes the following definitions:

-The definition of “Attic” adds in the underlined phrase: “The part of a building that is immediately below and wholly or partly within the roof framing of a pitched roof.”

-The definition of “Floor Area” is amended to calculate attic space over five feet in height, from the current seven feet, to be counted towards the property’s floor area calculation.

The proposed ordinance amends Section 10B-255(c)(3) of the Township Code in the following ways:

-Accessory dwelling units currently cannot not exceed 800 square feet or twenty-five percent of the total floor area of the principal dwelling unit, whichever is greater; the proposed ordinance does not change this. This ordinance allows for affordable accessory dwelling units, governed by the Uniform Housing Affordability Controls, to not exceed 1000 square feet or thirty percent of the total floor area of the principal dwelling unit, whichever is greater.

-Accessory dwelling units without basements will be allowed an additional 100 square feet of space for mechanical equipment and utilities, like washers/dryers, plus an additional 48 square feet of space for bicycle storage or miscellaneous storage that cannot be accessed from inside the structure.

-The existing condition that a property with a fully handicapped accessible accessory dwelling unit receives an increase of five percent in total maximum floor area has been modified to include that increase for the property as a whole. Affordable accessory dwelling units will also be allowed a maximum of four habitable rooms, compared to the existing three habitable room maximum for market rate accessory dwelling units (which will not change.)

-A new clause has been added stating that “no detached structure containing an accessory dwelling unit shall exceed the size of the principal dwelling.”

The proposed ordinance repeals the current Section 17A-380 of the Borough Code and Section 10B-256.2 of the Township Code and replaces both with the following harmonized bulk requirements:

- “(a) Front yard. No accessory building or structure shall be located in any front yard.
- (b) Side or rear yards. Accessory buildings may be located in any side or rear yard in accordance with the following requirements:
 - (1) Accessory structures shall be set back a minimum distance from the side and rear property lines that is based on the size and height of such structure, as follows:
 - a. An accessory structure not exceeding 100 square feet in area and one story and ten feet in height: three feet.
 - b. An accessory structure not exceeding one-and-a-half stories and twenty feet in height: five feet.
 - c. An accessory structure not exceeding two stories and twenty-five feet in height: same setback as is required in the district for principal buildings or structures.
 - (2) An accessory structure located in the side or rear yard setback area for principal structures shall not exceed the height of the principal structure or twenty feet, whichever is less.
 - (3) An accessory structure located on the portion of a lot not included in any yard setback area for principal structures shall not exceed the height of the principal structure or twenty-five feet, whichever is less.
- (c) Corner lots. Accessory structures on a corner lot shall be stepped back from any property line along a street a minimum of five feet from the façade of the principal structure facing said street or the

minimum required setback pursuant to subsection (b) above, whichever is greater.

- (d) Adjacent lots. In the case of adjacent lots, accessory structures constructed at the same time may be attached, located along the common lot line and may have a common wall.
- (e) Building height-to-setback ratio. Accessory structures shall be exempt from the height-to-setback ratios, if any, applicable to principal structures in the zone in which the accessory structure is located.”

There are further edits and additions to footnotes included in sections 6 and 7 of the attached Ordinance.

STAFF COMMENTS

The proposed ordinance supports the goals of the Princeton Community Master Plan.

The primary goals are:

“Ensuring a proper balance between new residential developments, nonresidential development and affordable housing and preservation of open space,
Protecting the natural environment,
Preserving historic sites,
Maintaining the character of neighborhoods.” (2017 Reexamination Report, p1)

The 2017 Princeton Master Plan Reexamination, the most recently completed, further states, “Major goals and objectives of the Master Plan and Reexamination Reports recognized that Princeton is facing a shortage of vacant, easily developable land, that new development and redevelopment be compatible with surrounding neighborhood character and not negatively impact the natural environment.” (p4) It also references the concern of existing homes being torn down and rebuilt “with the larger home often selling for two or three times more than the demolished home.” (p4)

The Housing section of the 2017 Reexamination states, “The Community maintains its commitment to providing affordable housing by creating additional zoning opportunities for additional affordable housing.” (p4)

Specific changes to Housing in the 2017 Reexamination include “Regulations to maintain housing that is affordable to all income levels..”, “Limiting the volume/bulk and massing controls on heights, grading, coverage, setback, stories, attics, and basements..” and, “Develop zoning strategies for providing and integrating affordable housing into the community.” (p21)

Princeton's Housing Goals in the adopted Third Round Housing Plan Element and Fair Share Plan of the Master Plan include: (p15)

1. Promote diversity in housing stock and population.
2. Develop adequate affordable housing sites and zoning regulations.
4. Provide housing options for all lifecycle stages.
6. Locate housing in areas with existing infrastructure.
7. Promote sustainability in housing.
8. Ensure that new housing development is respectful of existing neighborhood character.

The proposed ordinance supports the goals of the Princeton Community Master Plan by balancing the need for new housing types, affordable housing opportunities and neighborhood character through modifications to the existing accessory dwelling unit codes.

Justin Lesko

From: Delores Williams
Sent: Thursday, May 12, 2022 9:46 AM
To: Kerry Philip; Justin Lesko
Cc: Delores Williams; Derek Bridger; Claudia Ceballos; Deanna Stockton; James Purcell; John Pettenati; Mark Freda; Trishka W. Cecil
Subject: Ordinance #2022-14 Introduce
Attachments: Ordinance #2022-14 (accessory structures etc.) (20220506).docx

To: Planning Board of Princeton

The attached ordinance was introduced by the Mayor and Council of Princeton at its meeting held May 9, 2022.

Your comments and recommendations would be greatly appreciated prior to the public hearing scheduled for May 23, 2022.

Delores A. Williams
she/her/hers
Municipal Clerk

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Ordinance #2022-14

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON REGARDING ACCESSORY STRUCTURES AND ACCESSORY DWELLING UNITS, MODIFYING THE DEFINITIONS OF “ATTIC” AND “FLOOR AREA,” AND AMENDING THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974” AND THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968.”

BE IT ORDAINED by the Mayor and Council of Princeton as follows:

1. Definitions of “Attic” and “Floor Area” in section 17A-201 of the “Code of the Borough of Princeton, New Jersey 1974” and section 10B-241 of the “Code of the Township of Princeton, New Jersey, 1968” amended. The definitions of “Attic” and “Floor Area” set forth in section 17A-201, Definitions, of the “Code of the Borough of Princeton, New Jersey, 1974” (“Borough Code”) and in section 10B-241, Definitions, of the “Code of the Township of Princeton, New Jersey, 1968” (“Township Code”) are hereby amended to read as follows (new text is underlined thus; deleted text is struck through ~~thus~~):

ATTIC

The part of a building that is immediately below and wholly or partly within the roof framing of a pitched roof.

FLOOR AREA

The total area of all of the stories of all structures on the lot, measured from the outside faces of the exterior walls or from the exterior roof edges where the structure has no walls and including the following, although not by way of limitation: interior balconies and mezzanines, roofed and/or enclosed areas such as sheds, barns, garages, and carports.

Attic space in a single-family or two-family residence with a height of [seven] five feet or more measured from the finished floor to the roof rafter shall be counted as floor area except for that area that is up to one-third of the area of the floor directly below. Attic areas in a single-family or two-family residence with a height of less than [seven] five feet

measured from finished floor to roof rafter shall not be counted as floor area.

If an interior space in a one- or two-family structure has a ceiling height of [12] twelve feet or greater, the floor area of that space shall be counted twice for the purpose of floor area calculation. If an interior space in a one- or two-family structure has a sloped ceiling, only that portion of the floor having a ceiling height of [12] twelve feet or greater shall be counted twice for the purpose of floor area calculation.

For single- and two-family dwellings, the following shall be exempt from the calculation of floor area (see Fig. 1):

- Basements.
- A/C condenser units, generators, transformers, above-ground fuel tanks and other similar devices, not to exceed 100 square feet in the aggregate. The area in excess of 100 square feet in the aggregate shall be counted as floor area.
- (A) Non-enclosed one-story porches, porticos, stoops and entrance platforms, up to 200 square feet. Any additional square footage beyond the first 200 square feet shall be included in the calculation.
- (B) That portion of any garage, porte-cochere, carport or other accessory structure that is located behind the rearmost wall of the dwelling (C), provided that said structure is no greater than one story and fifteen feet in height to the peak of the roof, not to exceed 300 square feet.

[fig. 1 no change]

2. Section 10B-255(c)(3) of Township Code regarding accessory dwelling units

amended. Section 10B-255(c)(3) of the Township Code regarding accessory dwelling units is hereby amended to read as follows (new text is underlined thus; deleted text is in brackets [thus]):

(3) As used herein, a permitted accessory use shall include an accessory dwelling unit, provided that:

- a. There shall [be] not be more than one accessory dwelling unit per lot.
- b. The accessory dwelling unit shall be used only for residential purposes for one family.
- c. The size of the accessory dwelling unit shall not exceed 800 square feet or twenty-five percent of the total floor area of the principal dwelling unit, whichever is greater[.], except that

accessory dwelling units that are restricted to occupancy by low- and moderate-income families in accordance with the requirements of the Uniform Housing Affordability Controls (“UHAC”), N.J.A.C. 5:80-26.1 et seq. or successor regulations, shall not exceed 1000 square feet or thirty percent of the total floor area of the principal dwelling unit, whichever is greater. In addition to the foregoing,

1. Accessory dwelling units with no basement shall be allowed an additional 100 square feet of space for mechanical equipment and/or utilities, including washers/dryers, plus an additional forty-eight square feet of space for bicycle storage and/or miscellaneous storage, provided said storage space cannot be accessed from the interior of the structure; and

2. If the accessory dwelling unit is fully handicapped accessible under New Jersey’s Barrier Free sub-code, the property as a whole shall be granted an increase of five percent of the total maximum floor area allowed, which can be applied either to the principal dwelling or to the accessory dwelling, or both.

d. The provisions of subsection c. above notwithstanding, no detached structure containing an accessory dwelling unit shall exceed the size of the principal dwelling.

e. There shall not be more than three habitable rooms per accessory dwelling unit[.], except for accessory dwelling units that are restricted to occupancy by low- and moderate-income families in accordance with the requirements of the Uniform Housing Affordability Controls (“UHAC”), N.J.A.C. 5:80-26.1 et seq. or successor regulations, which shall be allowed a maximum of four habitable rooms.

[e]f. There shall be no external entrance that faces a street and that is separate from any other external entrance to any building on the same lot facing the same street.

[f]g. The accessory dwelling unit shall not eliminate the required parking for the principal single-family dwelling on the lot. No additional off-street parking shall be required for accessory dwelling units that contain two habitable rooms. One additional off-street parking space shall be required for accessory dwelling units that contain three habitable rooms.

[g]h. Stairways leading to an accessory dwelling unit located above the ground floor of a principal single-family dwelling shall be enclosed or located at the rear of the principal single-family dwelling.

[h]i. Balconies and decks associated with an accessory dwelling unit shall face the interior of the lot.

[i]j. Rooftop decks associated with an accessory dwelling unit shall be permitted, subject to compliance with the applicable zoning district's setback requirements for principal structures.

[j]k. An accessory dwelling unit that is attached to the principal single-family dwelling shall utilize the same exterior materials and colors as the principal single-family dwelling.

[k]l. Except as set forth herein and in subsection 10B-255(c)(3)h. above, a detached accessory dwelling unit shall comply with the bulk requirements pertaining to accessory structures for the zoning district in which it is located, except that in no case shall the distance between the detached accessory dwelling unit and the habitable portion of the principal single-family dwelling be less than five feet. The foregoing notwithstanding, ADUs may be constructed on any undersized lot in existence as of July 1, 2020 provided the proposed development complies with all other applicable bulk requirements for the district in which the property is located.

[l]m. Any accessory dwelling unit in existence as of July 1, 2020 that does not comply with the requirements of this subsection 10B-255(c)(3) may continue to be used, and any such accessory dwelling unit may be altered or reconstructed, provided that the alteration or reconstruction does not create any new or additional nonconformities.

[m]n. In the event of any conflict between the provisions of this section and any other provisions of the Borough or Township Code, the provisions of this section shall control.

3. Section 17A-380 of Borough Code regarding bulk requirements for accessory buildings or structures repealed and replaced. Section 17A-380 of the Borough Code establishing bulk requirements for accessory buildings or structures is hereby repealed and replaced in its entirety with the following new section 17A-380:

Sec. 17A-380. Accessory buildings or structures.

- (a) Front yard. No accessory building or structure shall be located in any front yard.
- (b) Side or rear yards. Accessory buildings may be located in any side or rear yard in accordance with the following requirements:

- (1) Accessory structures shall be set back a minimum distance from the side and rear property lines that is based on the size and height of such structure, as follows:
 - a. An accessory structure not exceeding 100 square feet in area and one story and ten feet in height: three feet.
 - b. An accessory structure not exceeding one-and-a-half stories and twenty feet in height: five feet.
 - c. An accessory structure not exceeding two stories and twenty-five feet in height: same setback as is required in the district for principal buildings or structures.
- (2) An accessory structure located in the side or rear yard setback area for principal structures shall not exceed the height of the principal structure or twenty feet, whichever is less.
- (3) An accessory structure located on the portion of a lot not included in any yard setback area for principal structures shall not exceed the height of the principal structure or twenty-five feet, whichever is less.
- (c) Corner lots. Accessory structures on a corner lot shall be stepped back from any property line along a street a minimum of five feet from the façade of the principal structure facing said street or the minimum required setback pursuant to subsection (b) above, whichever is greater.
- (d) Adjacent lots. In the case of adjacent lots, accessory structures constructed at the same time may be attached, located along the common lot line and may have a common wall.
- (e) Building height-to-setback ratio. Accessory structures shall be exempt from the height-to-setback ratios, if any, applicable to principal structures in the zone in which the accessory structure is located.

4. Section 17A-381 of Borough Code repealed. Section 17A-381 of the Borough Code is hereby repealed in its entirety.

5. Section 10B-256.2 of Township Code replaced. Section 10B-256.2 of the Township Code (currently reserved) is hereby replaced with the following new section 10B-256.2 establishing bulk requirements for accessory structures in residential zoning districts:

Sec. 10B-256.2. Accessory structures.

- (a) Front yard. No accessory building or structure shall be located in any front yard.
- (b) Side or rear yards. Accessory buildings may be located in any side or rear yard in accordance with the following requirements:
 - (1) Accessory structures shall be set back a minimum distance from the side and rear property lines that is based on the size and height of such structure, as follows:
 - a. An accessory structure not exceeding 100 square feet in area and one story and ten feet in height: three feet.
 - b. An accessory structure not exceeding one-and-a-half stories and twenty feet in height: five feet.
 - c. An accessory structure not exceeding two stories and twenty-five feet in height: same setback as is required in the district for principal buildings or structures.
 - (2) An accessory structure located in the side or rear yard setback area for principal structures shall not exceed the height of the principal structure or twenty feet, whichever is less.
 - (3) An accessory structure located on the portion of a lot not included in any yard setback area for principal structures shall not exceed the height of the principal structure or twenty-five feet, whichever is less.
- (c) Corner lots. Accessory structures on a corner lot shall be stepped back from any property line along a street a minimum of five feet from the façade of the principal structure facing said street or the minimum required setback pursuant to subsection (b) above, whichever is greater.
- (d) Adjacent lots. In the case of adjacent lots, accessory structures constructed at the same time may be attached, located along the common lot line and may have a common wall.

(e) Building height-to-setback ratio. Accessory structures shall be exempt from the height-to-setback ratios, if any, applicable to principal structures in the zone in which the accessory structure is located.

6. Section 10B-246 of Township Code amended. Section 10B-246 of the Township Code entitled “Regulations included; schedule” is hereby amended by adding thereto a new footnote that shall read as follows:

(u) Applies to principal structures only. For accessory structures, see section 10B-256.2.

7. Schedule of Regulations in Township Code amended. The Schedule of Regulations referenced in section 10B-246 of the Township Code (10B Attachment 3) is hereby amended by inserting a reference to new footnote “(u)” after the word “All” in the line labeled “Permitted Uses” and the columns labeled “R-1”, “R-2”, “R-3”, “R-4”, “R-5”, “R-6”, “R-7”, “R-8”, “RA” and “RB”.

8. Referral to Princeton Planning Board. A copy of this ordinance shall be referred to the Princeton Planning Board for review pursuant to N.J.S.A. 40A:55D-26a.

9. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Township Code or Borough Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

10. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

11. Effective date. This ordinance shall take effect upon its passage and publication and filing with the Mercer County Planning Board, and as otherwise provided for by law.

12. Applicability. The provisions of this ordinance shall be applicable within the entire Municipality of Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

Delores A. Williams, RMC, Clerk

Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: If adopted, Ordinance #2022-14 would (a) modify the definitions of “attic” and “floor area” in the Borough and Township Codes regarding the amount of attic space to be counted as floor area; (b) provide “bonus” floor area and a bonus habitable room for accessory dwelling units that are restricted to occupancy by low- and moderate-income families; (c) provide “bonus” floor area for accessory dwelling units without basements to create storage areas for mechanical equipment and utilities, as well as bicycle storage and miscellaneous storage; (d) clarify that under no circumstances shall the size of an accessory dwelling unit exceed the size of the principal dwelling on the lot; (e) modify the bulk requirements applicable to accessory buildings or structures in the former Borough; and (f) establish bulk requirements for accessory structures in the former Township.